

Honolulu, Hawaii

APR 08 2016

RE: H.B. No. 2632
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2632, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREARMS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Upon notice that a person is disqualified from ownership, possession, or control of firearms and ammunition or who underwent or is undergoing emergency hospitalization due to a diagnosis of mental illness or suffering from substance abuse, require the chief of police to issue a notice to the disqualified person to immediately surrender all firearms and ammunition;
- (2) Establish requirements for the notice of immediate surrender of firearms and ammunition to a disqualified person;
- (3) Authorize the chief of police to seize all firearms and ammunition if the disqualified person fails to voluntarily surrender all firearms and ammunition upon receiving notice; and
- (4) Require that the surrendered or seized firearms and ammunition be held in police custody until the disqualified person has been medically documented to be



no longer adversely affected by certain mental health diagnoses or treatment or until transferred or sold by the owner.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney, County of Hawai'i; Police Department, City and County of Honolulu; Injury Prevention Advisory Committee; and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Members of the National Rifle Association of America, Hawaii Rifle Association, Institute for Rational and Evidence-based Legislation, and twenty-five individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that keeping firearms out of the hands of people who are suffering from mental illness is critical to ensuring the safety of those individuals and the general public. Existing law provides a thirty-day period from the date of written notice of disqualification for a firearms permit within which an owner who has been disqualified for any statutory reason must surrender the firearm and does not allow for any acceleration of the timeframe in more urgent situations. It is essential that the timeframe for removing firearms and ammunition from persons disqualified from firearm ownership, possession, or control for mental illness reasons be shortened to allow for immediate removal. This measure provides a mechanism for immediate removal once an individual has received notice of disqualification and subsequently fails to surrender that individual's firearms and ammunition.

Your Committee notes that some individuals who are hospitalized due to mental illness may have been admitted involuntarily rather than through an emergency admission. Emergency and involuntary psychiatric hospital admissions are subject to part IV of chapter 334, Hawaii Revised Statutes (HRS), and each type of admission requires a finding that the person is mentally ill or suffering from substance abuse, or is imminently dangerous to self or others.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the reasons for disqualification from ownership, possession, or control of firearms and ammunition include emergency or involuntary



hospitalization pursuant to part IV of chapter 334, HRS;
and

- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2632, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2632, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 2632 HD2 SDI	Committee Referral: PSM, JDL	Date: 3/30/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike		/		
KAHELE, Kaiali'i				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam			/	
TOTAL	4	1	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes